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Attorney's Docket No.: 003764.P006

PATENT

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (FOR GUIDANT CORPORATION PATENT APPLICATIONS)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed

and for which a patent	is sought on the invention	entitled	on io oidin	iou	
	CO-EXTRUDED	TAPER SHAFT			
the specification of wh	ich				
is atta <u>X</u> was fi	iched hereto. led on <u>December 22, 1</u> United States Applicatio or PCT International Applicand was amended on	n Number09/470,009 plication Number			
I hereby state that I has specification, including	ve reviewed and understa the claim(s), as amended	nd the contents of the above-ide	ntified above.		
United States of Amer publication in any cour application, that the sa than one year prior to subject of an inventor's foreign to the United S	ica before my invention the ntry before my invention the me was not in public use of this application, and that the s certificate issued before the tates of America on an approper welve months (for a utility)	d invention was ever known or us ereof, or patented or described in ereof or more than one year prior or on sale in the United States of the invention has not been patented the date of this application in any polication filed by me or my legal repatent application) or six months	any print r to this America I ed or mad country	more le the	
I acknowledge the duty defined in Title 37, Cod	to disclose all information de of Federal Regulations,	n known to me to be material to p Section 1.56	atentabilit	ty as	
I hereby claim foreign a 365(b) of any foreign a international applicatio America, listed below a	priority benefits under Title application(s) for patent or i n which designated at leas and have also identified be r of any PCT international	e 35, United States Code, Section inventor's certificate, or 365(a) of the country other than the United any foreign application for parapplication having a filing date be	any PCT ed States	of	
Prior Foreign Application	on(s)			Priority <u>Claimed</u>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No	

GUIDANT CORPORATION Rev. 1.0 (3/99)

I hereby claim the benefit States provisional applica		States Code, Section 119(e) of any United
(Application Number)	Filing C	Date	
(Application Number)	Filing C	Date	
application(s), or 365(c) of America, listed below and is not disclosed in the prior provided by the first paraged duty to disclose all informations. Code of Federal Regulation	of any PCT Internation I, insofar as the subject Or United States or PC OR TITLE 35, United ation known to me toons, Section 1.56 whi	d States Code, Section 120 nal application designating the transfer of each of the claic Transfer of the Code, Section 11 be material to patentability ich became available betweiternational filing date of this	he United states of ms of this application in the manner 2, I acknowledge the as defined in Title 37, en the filing date of
(U.S. Parent Application or) PCT Parent No.)	Parent Filing Date	(Status patented, pending, abandoned)	Parent Patent No. (if applicable)
(U.S. Parent Application or) PCT Parent No.)	Parent Filing Date	(Status patented, pending, abandoned)	Parent Patent No. (if applicable)
part of this document) as	my respective patent n, to prosecute this a	ix A hereto (which is incorpo attorneys and patent agent application and to transact al	s, with full power of
Send correspondence to ZAFMAN LLP, 12400 Wil direct telephone calls to	(Name of Attorney Ishire Boulevard, 7t	or Agent) h Floor, Los Angeles, Cali hen , (408) 7	fornia 90025 and
I hereby declare that all	statements made he	erein of my own knowledg	e are true and that

all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor_Jeong S. Lee
Inventor's Signature Jan Sal Date 1-24-00
Residence <u>Diamond Bar. California</u> Citizenship <u>Republic of Korea</u>
(City, State) (Country)
Post Office Address 23637 E. Goldrush Drive Diamond Bar, California 91765
Siamona Ball, Gamonia 917 03
1
Full Name of Second/Joint Inventor Ken Wantink
Inventor's Signature In half Date 1-24.00
Residence TEMECULA CA 9259 Citizenship USA (City, State) (Country)
(City, State) (Country)
Post Office Address 33583 VINO WAY. TEMECULA CA 92598
TEMECULA, CA 97599
Full Name of Third/Joint Inventor
Inventor's Signature Date
ResidenceCitizenship_
ResidenceCitizenship(City, State) (Country)
Post Office Address
Full Name of Fourth/Joint Inventor
Inventor's Signature Date
Residence Citizenship
(City, State) (Country)
Post Office Address

a so oh s

APPENDIX A

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. P42,261; Aloysius T. C. AuYeung, Reg. No. 35,432; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; Gregory D. Caldwell, Reg. No. 39,926; Ronald C. Card, Reg. No. P44,587; Thomas M. Coester, Reg. No. 39,637; Stephen M. De Klerk, under 37 C.F.R. § 10.9(b); Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Robert Andrew Diehl, Reg. No. 40,992; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. P41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Erica W. Kuo. Reg. No. 42,775; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. 42,879; Darren J. Milliken, Reg. 42,004; Lisa A. Norris, Reg. No. P44,976; Chun M. Ng. Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Dennis A. Nicholls. Reg. No. 42,036; Daniel E. Ovanezian, Reg. No. 41,236; William F. Ryann, Reg. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey Sam Smith, Reg. No. 39,377; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. 42,179; Edwin H. Taylor, Reg. No. 25,129; John F. Travis, Reg. No. 43,203; George G. C. Tseng, Reg. No. 41,355; Joseph A. Twarowski, Reg. No. 42,191; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Charles T. J. Weigell, Reg. No. 43,398; Kirk D. Williams, Reg. No. 42,229; James M. Wu, Reg. No. P45,241; Steven D. Yates, Reg. No. 42,242; Ben J. Yorks, Reg. No. 33,609; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Andrew C. Chen, Reg. No. 43,544; Justin M. Dillon, Reg. No. 42,486; Paramita Ghosh, Reg. No. 42,806; and Sang Hui Kim, Reg. No. 40,450; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025. telephone (310) 207-3800, and James R. Thein, Reg. No. 31,710, my patent attorney; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

I also hereby appoint Earl A. Bright II, Reg. No. 37,045; Ronald D. Devore, Reg. 39,958; Thomas A. Hassing, Reg. No. 36,159; Tim L. Kitchen, Reg. No. 41,900; Philip S. Yip, Reg. No. 37,265; my attorneys of Guidant Corporation located at 3200 Lakeside Drive, Santa Clara, CA 95054, telephone (408) 845-3000; and Guidant Corporation located at 1525 O'Brien Drive, Menlo Park, CA 94025, telephone (650) 470-6200; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.